



2936#

**PATENT**  
Attorney Docket N<sup>o</sup>: P1854US00  
Serial N<sup>o</sup>: 10/092,171

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**RECEIVED**

In re Application Of : Frank Liebenow  
Serial N<sup>o</sup> : 10/092,171  
Filed : March 6, 2002  
Examiner : Nguyen, Hung T.  
Group Art Unit : 2636  
For : SYSTEM AND METHOD FOR PROVIDING A DEVICE WITH  
PROTECTION FROM A WEATHER EVENT

JAN 09 2004

Technology Center 2600

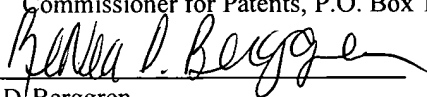
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE OF NON-COMPLIANT AMENDMENT**

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**CERTIFICATE OF MAILING 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service on December 22, 2003, in a First Class envelope, with sufficient postage thereon, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
ReNea D. Berggren

DATED: December 22, 2003

In Response to the Notice of Non-Compliant Amendment dated December 12, 2003, the following is enclosed:


1. A copy of the *Notice of Non-Compliant Amendment* dated December 12, 2003.
2. *Response to Office Action* with proper status identifiers.
3. *Petition for One Month Extension*, including authorization to charge fees to Deposit Account and copy for accounting purposes.
4. *Amendment Transmittal*, including authorization to charge fees to Deposit Account and copy for accounting purposes.

Please address all correspondence to: **CUSTOMER NO. 32709**  
SCOTT RICHARDSON, ESQ.  
GATEWAY, INC.  
LAW DEPARTMENT, MS Y04  
610 GATEWAY DRIVE  
N. SIOUX CITY, SD 57049-2000  
(605) 232-1967 TELEPHONE  
(605) 232-2612 FACSIMILE

DATED: December 22, 2003

Respectfully Submitted,

Gateway, Inc.,

By   
Chad W. Swantz  
Reg. N° 46,329

- ATTACHMENTS:
1. A copy of the *Notice of Non-Compliant Amendment* dated December 12, 2003.
  2. *Response to Office Action* with proper status identifiers.
  3. *Petition for One Month Extension*, including authorization to charge fees to Deposit Account and copy for accounting purposes.
  4. *Amendment Transmittal*, including authorization to charge fees to Deposit Account and copy for accounting purposes.
  5. Return postcards.



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,171	03/06/2002	Frank Liebenow	P1854US00	9233
28720	7590	12/12/2003		
SUITER & ASSOCIATES PC 14301 FNB PARKWAY SUITE 220 OMAHA, NE 68154-5299				
			EXAMINER NGUYEN, HUNG T	
			ART UNIT 2636	PAPER NUMBER

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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Paper No. 5

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 11/24/03 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☐ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: Amended is not a proper status identifier. Please change to ready currently amended.

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For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is **not extendable**.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Legal Instruments Examiner (LIE)

Telephone No.